

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN OWENS,

Plaintiff

V.

JOHN MURRAY, ET AL.,

Defendants

[illegible]

CIVIL NO. 4:CV-13-680

(Judge Brann)

ORDER

February 21, 2014

In accordance with the accompanying Memorandum, **IT IS HEREBY**

ORDERED THAT:

1. Defendants' unopposed motion to dismiss (Doc. 13) is construed as seeking partial dismissal and is **GRANTED IN PART**.
2. The monetary damage claims brought against the individual Defendants in their official capacities are **DISMISSED** as being barred by the Eleventh Amendment.
3. Superintendent Murray is **GRANTED** entry of dismissal on the basis of lack of personal involvement.

4. Defendant Hearing Examiner Reisinger's request for dismissal is **GRANTED**.
5. The request for dismissal of the claims of conspiracy and the retaliation claim against Unit Manager Carberry are **GRANTED**.
6. The motion for partial dismissal is **DENIED** in all other respects. Plaintiff's remaining contentions of retaliation, as well as his unconstitutional conditions of confinement and excessive force claims will proceed.
7. A decision as to whether this Court should exercise jurisdiction over any state law tort claims against the Defendants will be held in abeyance pending resolution of all dispositive motions.

BY THE COURT:

s/Matthew W. Brann
Matthew W. Brann
United States District Judge